

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

ORLANDO CARTER, Debtor,  
Appellant,

v.

PNC FINANCIAL SERVICES  
GROUP, INC.,

Appellee.

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Case No. 3:18-cv-283

JUDGE WALTER H. RICE

Chapter 7 Bankruptcy Appeal

Case No. 06-30086

Adversary Proceeding No. 18-3034

Judge Guy R. Humphrey

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ORDER DISMISSING APPEAL WITH PREJUDICE  
FOR WANT OF PROSECUTION; JUDGMENT TO ENTER IN  
FAVOR OF APPELLEE AND AGAINST APPELLANT;  
TERMINATION ENTRY

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On August 13, 2018, *pro se* Appellant Orlando Y. Carter filed a timely Notice of Appeal of the United States Bankruptcy Court's August 1, 2018, Order dismissing Adversary Proceeding No. 18-3034. Doc. #1. On October 18, 2018, the Bankruptcy Court filed its Clerk's Certification of Record on Appeal, Doc. #2, noting that no designated items had been filed. This Court ordered Appellant's brief to be filed by November 1, 2018. No brief was filed within the time allotted.

The Court directed Appellant to show cause in writing why this appeal should not be dismissed without prejudice for want of prosecution. Doc. #3. When no response was filed, the Court dismissed the appeal without prejudice for

want of prosecution. Doc. #4. On December 28, 2018, judgment was entered in favor of Appellee. Doc. #5.

On January 22, 2019, Appellant filed a Motion for Reinstatement of Appeal, Doc. #6, which the Court interpreted as a motion for relief from judgment under Fed. R. Civ. P. 60(b). Finding excusable neglect, the Court sustained Appellant's motion, vacated the Judgment, and reopened the appeal. Doc. #7. The Court gave Appellant until March 5, 2019, to file with the bankruptcy clerk and serve on the Appellee a designation of the items to be included in the record on appeal, and a statement of the issues to be presented. Appellant's brief was to be filed no later than April 4, 2019.

Appellant did not comply with any aspect of the Court's Order. Accordingly, the Court ordered Appellant to SHOW CAUSE, in writing, by May 1, 2019, why this appeal should not be dismissed with prejudice for want of prosecution. Appellant has failed to respond to the Show Cause Order within the time allotted. Therefore, the Court DISMISSES the appeal WITH PREJUDICE for want of prosecution.

Judgment shall be entered in favor of Appellee and against Appellant.

The captioned case is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

Date: May 3, 2019



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WALTER H. RICE  
UNITED STATES DISTRICT JUDGE